

IN THE DISTRICT COURT OF SEQUOYAH COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA,

PLAINTIFF, )

vs. )

THOMAS G. BURGER II )

DEFENDANT, )

Sex: M

No. CF- 00-520

SSN: [REDACTED]

DL Num: 385847364 TX

SEQUOYAH COUNTY, OKLAHOMA  
FILED  
IN DISTRICT COURT

AUG 24 2000

INFORMATION

BERNELL EDWARDS, CLERK  
BY [Signature] DEPUTY

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:

Now comes Dianne Barker-Harrod, the duly qualified and acting District Attorney in and for Sequoyah County, State of Oklahoma, and gives the District Court to know and to be informed that THOMAS G. BURGER II did, in Sequoyah County, on the 6 DAY OF October, in the year of our Lord, 1999, and before the presentment hereof, commit the crime of

OBTAINING MERCHANDISE BY BOGUS CHECK

21 O.S. § 1541.2

That on the day and year in the County and State aforesaid, said THOMAS G. BURGER II did wilfully, knowingly, fraudulently AND FELONIOUSLY obtain CASH AND/OR MERCHANDISE from SEARS #03886 in the amount of \$707.94 by means of a certain false and bogus check, which check is in words and figures as follows:

Pay to the order of SEARS #03886  
SEVEN HUNDRED SEVEN DOLLARS 98/100

1479

6 OCT 99  
\$707.94

THOMAS G. BURGER II

the said defendant well knowing then and there that THOMAS G. BURGER II had insufficient funds in, or credit with the bank on which said check was drawn, and that said check was worthless, false, bogus and of no value, and did utter and deliver the same to the said SEARS #03886 with the fraudulent AND FELONIOUS intent then and there to cheat and defraud, contrary to the form of the statutes in such cases made and provided and against the peace and dignity of the State of Oklahoma.

DIANNE BARKER HARROLD  
DISTRICT ATTORNEY

By [Signature]  
Assistant District Attorney

State of Oklahoma )

) ss.

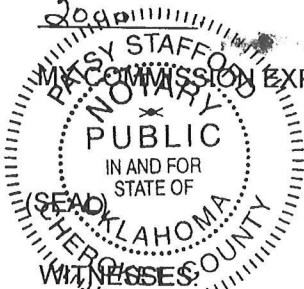
County of SEQUOYAH )

I, John Bozarth, being duly sworn, on oath  
state that I have read the above and foregoing information and know the contents thereof and that the facts stated  
therein are true.

JOHN BOZARTH John Bozarth  
Affiant

SUBSCRIBED AND SWORN to before me by the said Affiant on this 1<sup>st</sup> day of August,  
2000

MY COMMISSION EXPIRES: 12-28-2003



Patsy Stafford  
Notary Public

John Bozarth, SEARS #03886, 814 E. CHEROKEE AVE. SALLISAW OK, 74955;

Bookkeeper, FORT HOOD NATIONAL BANK, FT. HOOD, TX

Representative, Bogus Check Department, District Attorney's Office, District 27, 109-C N. College, Tahlequah, Ok.

IN THE DISTRICT COURT OF Sequoyah COUNTY  
STATE OF OKLAHOMA  
CRIMINAL COVER SHEET

CASE INFORMATION

ASSIGNED JUDGE: \_\_\_\_\_

CF 00 520

STATE of Oklahoma

CM \_\_\_\_\_

VS.

PREVIOUS CASE NUMBER: \_\_\_\_\_

DEFENDANT Thomas G. Burger II

PREVIOUS JUDGE: \_\_\_\_\_

DEFENDANT INFORMATION

LAST NAME: Burger FIRST NAME: Thomas MIDDLE NAME: \_\_\_\_\_  
ADDRESS: 206 E. Ruth Ave  
CITY: Sallisaw STATE: Oklahoma ZIP: 74955  
ADDRESS TYPE: X H    W    O TELEPHONE: n/a DATE OF BIRTH: \_\_\_\_\_  
DRIVERS LICENSE NUMBER: SS#: [REDACTED] DRIVERS LICENSE STATE: TX  
RACE: \_\_\_\_\_ GENDER: X M    F LANGUAGE/DIALECT: n/a  
ADDITIONAL DEFENDANTS:    Y X N TOTAL NUMBER OF DEFENDANTS: 1

ATTORNEY INFORMATION

(IF LICENSED IN OKLAHOMA, FILL IN ADDRESS INFORMATION ONLY IF IT IS NEW SINCE THEY WERE REGISTERED WITH THE OKLAHOMA BAR ASSOCIATION.)  
(ATTACH ADDITIONAL COVER SHEETS FOR ADDITIONAL ATTORNEYS.)

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ MIDDLE NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
BAR NUMBER (REQUIRED): \_\_\_\_\_ TELEPHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

OFFENSES

	COUNT(S)	OFFENSES CHARGED	O.S. CITATIONS	NCIC CODE
1	<u>I</u>	<u>Obtaining Merchandise by Bogus Check</u>	<u>2105.1541.2</u>	
2				
3				
4				

Date: 9-24-00 Signature of (Assistant) District Attorney Jerry L. Moore

IN THE DISTRICT COURT OF SEQUOYAH COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA,

PLAINTIFF, )

vs. )

THOMAS G. BURGER II

DEFENDANT, )

No. CF- 00-520

Sex: M

SSN: [REDACTED]

DL Num: 385847364 ST: TX

SEQUOYAH COUNTY, OKLAHOMA  
FILED  
IN DISTRICT COURT

AFFIDAVIT

The undersigned, of lawful age, being first duly sworn upon oath, deposes and states: pl

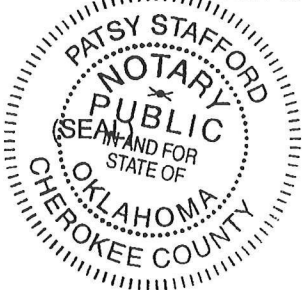
On the **6 DAY OF October**, in the year of **1999**, the above named defendant purchased **CASH AND/OR MERCHANDISE** from **SEARS #03886**, located in the city of **SALLISAW**, County of **Sequoyah**, State of **Oklahoma**, with check number **1479** in the amount of **\$707.94**.

The check was deposited within 30 days from receipt and returned marked Insufficient funds.

Based on this information, the undersigned prays that this Honorable Court issue finding of fact that probable cause exists to believe that a crime has been committed and that there is probable cause to believe that the defendant above named committed the crime of Obtaining Merchandise by Bogus Check.

SUBSCRIBED AND SWORN to before me by the said Affiant on this 1<sup>st</sup> day of August, 2000.

MY COMMISSION EXPIRES: 12-28-2003.



Patsy Stafford  
Notary Public

FINDING OF PROBABLE CAUSE

The undersigned Judge of this Court, upon sworn testimony and/or affidavit, hereby determines there to be probable cause to detain the defendant.

Dated this 24<sup>th</sup> day of Aug., 2000.

[Signature]  
JUDGE OF THE DISTRICT COURT

WARRANT OF ARREST

DAY OR NIGHT

CASE NO. CF- 00-520

SEQUOYAH COUNTY DISTRICT COURT

STATE OF OKLAHOMA )  
 )  
SEQUOYAH COUNTY ) ss.

TO THE SHERIFF OF THE COUNTY OF SEQUOYAH, OR TO ANY SHERIFF, CONSTABLE, MARSHAL, POLICEMAN OR PEACE OFFICER OF THIS STATE.

Complaint on oath having been this day laid before me, that the crime of

OBTAINING MERCHANDISE BY BOGUS CHECK

21 O.S. § 1541.2

has been committed, and accusing THOMAS G. BURGER II thereof;

BOND: 2,500<sup>00</sup> Cash

Address: 206 E. RUTH AVE

City: SALLISAW

Height: 5-04

State: OK ZIP: 74955 SS #

SSN: [REDACTED]

Weight: 160

Sex: M

Hair: BLND/RED

Other TOLD MARVIN'S IGA HE WAS IN ARMY RESERVE  
Marks:

SEQUOYAH COUNTY, OKLAHOMA  
FILED  
IN DISTRICT COURT  
BETNELL FORNARD, COURT CLERK  
BY: [Signature] DEPUTY

YOU ARE THEREFORE COMMANDED FORTHWITH TO BRING THE ABOVE NAMED THOMAS G. BURGER II and bring him before me at my office in said county, to answer said charge.

DATED AT \_\_\_\_\_, THIS 24<sup>th</sup> DAY OF Aug, 2000

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]  
JUDGE OF THE DISTRICT COURT

RETURN OF SERVICE

STATE OF OKLAHOMA )  
 )  
SEQUOYAH COUNTY )

Received this Writ the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed it by arresting the within named \_\_\_\_\_ - and now have his body before the Court.

Fees-Service and Return of Writ	\$ _____
Service on First Person	\$ _____
Service on Additional Persons	\$ _____
Bringing prisoner into Court	\$ _____
Attending Examination	\$ _____
Mileage	\$ _____
Total	\$ _____

[Signature]  
Arresting Officer

\_\_\_\_\_  
Sheriff

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DAY OR NIGHT

CASE NO. CF- 00-520

SEQUOYAH COUNTY DISTRICT COURT

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Attending Examination	\$ _____
Mileage	\$ _____
Total	\$ _____

Arresting Officer \_\_\_\_\_

Sheriff \_\_\_\_\_

WARRANT CLEARANCE

WARRANT # CF00-520

WARRANT NAME Thomas G. Burger II

DATE & TIME CLEARED 11/13/00 4:15

WARRANT CLEARED BY:

ARREST X OFFICER SERVING Roy Coleman

AGENCY SCSO

CANCEL \_\_\_\_\_ OFFICIAL DIRECTING WARRANT CANCELLATION

WAS WARRANT PULLED FROM FILE?

YES

NO

IF NO, EXPLAIN WHY NOT \_\_\_\_\_

WAS WARRANT MARKED OFF BOOK?

YES

NO

IF NO, EXPLAIN WHY NOT \_\_\_\_\_

WAS WARRANT CANCELLED FROM NCIC?

YES

NO

IF NO, EXPLAIN WHY NOT not entered

WAS WARRANT REMOVED FROM HOLDS BOOK?

YES

NO

IF NO, EXPLAIN WHY NOT no hold placed

SHERIFF'S OFFICE EMPLOYEE SIGNATURE Amanda Deek

NOTE: AFTER COMPLETING THIS FORM, STAPLE THIS FORM BACK TO BACK WITH THE WARRANT AND PLACE IN THE FOLDER MARKED "SEND TO COURT CLERK." ONLY USE THIS FORM TO CLEAR SEQUOYAH COUNTY WARRANTS.

USE ONE FORM FOR EACH WARRANT CLEARED.

# ORDER TO RELEASE FROM CUSTODY

TO THE SHERIFF OF SEQUOYAH COUNTY, STATE OF OKLAHOMA, it is ordered that said defendant be released, if in your custody for no other cause, immediately upon receipt of this order.  
Last Name, First, Middle, suffix (please print or type) (show alias)

Burger II Thomas A 4-29-79

WARRANT/CASE NUMBER	REASON FOR RELEASE	DESCRIPTION OF CHARGE
CF 00520	Bond \$2500.00	Bogus check
	Charles Smith	
	Bonding	

SEQUOYAH COUNTY, OKLAHOMA  
FILED  
IN DISTRICT COURT  
BY [Signature] COURT CLERK  
DEPUTY

In and for the District Court of Sequoyah County, State of Oklahoma,  
witness my hand this the 13 day of Nov, 1979

WHITE COPY - COURT  
YELLOW COPY - SHERIFF'S FILE

AUTHORIZED BY

Signature

Sprouse  
JUDGE OF THE DISTRICT COURT



Charles Smith Bail Bonds  
APPEARANCE BOND

SEQUOYAH COUNTY, OKLAHOMA  
FILED  
IN DISTRICT COURT

S.A.&I. 408 (1990)

BERNELL EDWARDS, COURT CLERK  
BY DA DEPUTY

IN THE DISTRICT COURT OF Sequoyah  
State of Oklahoma, Plaintiff,

COUNTY, STATE OF OKLAHOMA

vs. Thomas Burger Jr, Defendant

Case No. CF-00-520

I now all men by these presents, that we the above named defendant, as principal, and the undersigned Martin E. Dagg D/B/K Charles E. Smith, Professional as surety(ies) personally appeared before the undersigned authority and jointly and severally acknowledged themselves to be indebted to the State of Oklahoma in the sum of Twenty Five Hundred and No/100 Dollars (\$ 2500.00) good and lawful money of the United States, to which payment well and truly to be made we bind ourselves, our assigns, heirs, executors and administrators jointly and severally, firmly by these presents.

The conditions of this bond are such that, if the above named defendant, who has been committed to the county jail of Sequoyah County, State of Oklahoma, shall personally be and appear before the District Court of said county on the 13th day of November 2000, at 10:00 o'clock AM, of said day, and from term to term, and from day to day of each term, to answer a charge preferred against him for the offense of Boys Checks

and to do and receive what shall be enjoined by said Court upon him, and shall not depart the said Court without leave, then this bond and recognizance to be void; otherwise, in full force and effect.

Witness our hands and seals this 13th day of November 2000.

[Signature] Principal 623 S. Elm Sullivan, OK 74955 Address

Charles E. Smith Surety P.O. Box 824 Sallisaw, OK 74955 Address

Martin E. Dagg Surety PO Box 824 Sallisaw, OK 74955 Address

TAKEN, SUBSCRIBED AND ACKNOWLEDGED, this 13th day of November 2000

[Signature] Court Clerk/Sheriff Deputy

This undertaking approved this 13th day of November 2000

(SEAL) By: Jimi C. Chast Deputy/Clerk

AFFIDAVIT AS TO UNDERTAKING

STATE OF OKLAHOMA Sequoyah County, SS:

The undersigned, being first duly sworn upon oath, says that he is a resident of Sequoyah County, State of Oklahoma, and that neither he nor anyone for his use has received or been promised any security or consideration for making this undertaking, except as hereinafter specified under one or more of the following relevant statutory provisions, to-wit:

- a) Consideration for this undertaking received or promised in the sum of \$
- b) Other security received or promised for making this undertaking, is as follows: from state fund money agreement
- c) Such promise, security or consideration was received from:

Name [Signature] Address 623 S. Elm Sullivan, OK 74955

I understand that any willful misstatement relating to the security or consideration promised or given shall make me liable to the same prosecution and penalty as one commits perjury.

Affiant Martin E. Dagg Address PO Box 824 Sallisaw, OK 74955

Subscribed and sworn to before me this 13th day of November 2000

(SEAL)

Court Clerk- Notary Public

My Commission Expires:

Deputy

105 E. Chickasaw Sallisaw, OK 74955  
Charles E. Smith, Professional Bondsman  
\$5500.00 BOND POWER IEC NO 15721  
POWER OF ATTORNEY Sallisaw, OK 74955

KNOW ALL MEN BY THESE PRESENTS:

That I, Charles E. Smith, of Sallisaw, Sequoyah County, State of Oklahoma, have made and constituted and appointed by these presents do make, constitute and appoint the below named agent, my true and lawful attorney, for me and in my name, place and stead, and to my use as my employee and agent to write professional bonds, to sign my name, by him, in the execution of any and all bonds made as my agent, giving my said attorney full power to do everything whatsoever requisite and necessary to be done in the premises as fully as I could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do, or cause to be done, by virtue hereof. All this provided this Power-Of-Attorney is filed with the bond and retained as a part of the court records, the said Attorney-in-Fact is hereby authorized to insert in this Power-Of-Attorney the name of the person whose behalf this bond was given.

IN WITNESS THEREOF, Charles E. Smith, has caused these presents to be signed by its duly authorized officer, proper for the purpose this 13th day of November 2000.  
\$5500.00 BOND POWER

*Charles E. Smith*  
Charles E. Smith, Professional Bondsman  
CHARLES SMITH BAIL BONDS

Bond Amount \$ 2500 Appearance Date 11/17/2000 10:00 AM  
Defendant Thomast Puyger Address 623 Elm State OK  
Court Sequoyah District City Sallisaw Zip Code 74955  
Offense Boys' School  
Executing Agent Walter B. Day Case No. \_\_\_\_\_  
Date of Birth 11 27 77 Social Security # 385 84 7364